

O.P.No.430 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules, 1956.

2.In the petition, it is stated that the deceased M.Amutha, died on 30.10.2018 at Velammal Medical College and Hospital, Madurai-625009 and she was ordinarily resided at No.7, Vellaisamy Street, Kavankarai, Guru Shanti Nagar, Puzhal, Chennai-600 066. and left the properties within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. The deceased is the wife of the petitioner. The deceased at the time of her death left behind the petitioner herein as her surviving Class I legal heir, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of availing the terminal benefits and family pension of the deceased from Bank of India where the deceased worked as a Manager and the assets in respect of which the succession certificate is required are of the value of Rs.8,97,273/- and family pension approximately Rs.30,000/- per month.

3.No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to her property and credits or for a Succession Certificate. Hence, the petitioner has approached this Court for grant of Succession Certificate in favour of the petitioner, with power to collect the securities and to receive the interest and dividends or proceeds and negotiate and transfer the securities specified in the schedule.

4.The petitioner examined himself as P.W.1 and deposed evidence and also marked the following documents viz., Exs.P1 to P5.

i) Ex.P1 is the original death certificate of M.Amutha, who died on 30.10.2018.

ii) Ex.P2 is the computer generated copy of the Legal Heirship certificate dated 21.01.2019 in respect of M.Amutha.

iii) Ex.P3 is the photocopy of the Aadhaar card of the deceased M.Amutha bearing No.2802 4942 1117 (Marked after comparing and verifying the original).

iv) Ex.P4 is the photocopy of the statement of the provident fund for the half year ended 30.09.2010 issued by Bank of India in respect of M.Amutha.

v) Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 09.07.2019.

He has further stated in his evidence that he has not filed any other petition seeking the same relief.

5.Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioner is directed to render accounts once in a year.

19.09.2019

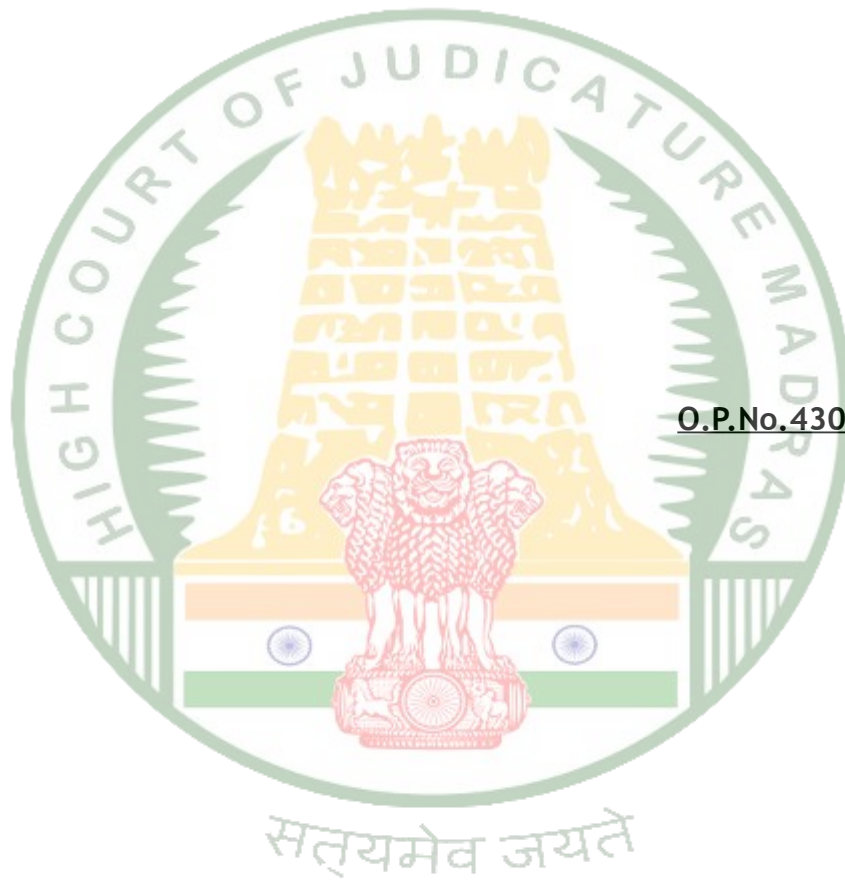
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K.KALYANASUNDARAM, J.

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